

State of New Hampshire Banking Department

In re the Matter of: ) Case No.: 08-328  
)  
State of New Hampshire Banking )  
)  
Department, ) Order to Show Cause  
)  
Petitioner, )  
)  
and ) Motion to Dismiss  
)  
eHomeCredit Corp (d/b/a FHB Funding and )  
)  
d/b/a Fundamental Home Borrowing), )  
)  
Michael J. Bode, and Philip E. )  
)  
Zegarelli, )  
)  
Respondents )  
)

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MOTION TO DISMISS

Now comes Maryam Torben Desfosses, on behalf of Petitioner in the above captioned case, and moves to dismiss the penalties in the Order to Show Cause ("Order") in this matter and states as follows:

1. The Department attempted service of the Order on the above named Respondents in this matter via U.S. Certified Mail Return Receipt requested on or about January 15, 2009. The Order was returned as "unclaimed." However, the Department was notified by Respondent Philip E. Zegarelli, who paid the examination fee and late filing of examination materials on behalf of the Respondents.
2. Since the advent of the Order, the outstanding invoice for examination and late filing of examination materials have been paid, which served as the underlying allegations of the Order.

1 3. Based on the above factors and as a sign of good faith and  
2 administrative efficiency, the Petitioner now wishes to dismiss the  
3 penalties within the Staff Petition that initiated the Order.  
4

5 WHEREFORE, Petitioner respectfully prays

6 A. The Commissioner dismiss the penalties in the Order to Show Cause in  
7 this case; and

8 B. Grant such further relief as is just and in the public interest.  
9

10 Respectfully submitted by:  
11

12 /s/  
13 Maryam Torben Desfosses  
Hearings Examiner

04/01/09  
Date

14  
15 **ORDER**  
16

17 Finding it in the public interest, the requested relief is hereby **GRANTED**.  
18 The penalties in the Order to Show Cause in 08-328 are hereby **DISMISSED** this  
19 1st day of April, 2009.  
20

21 /s/  
PETER C. HILDRETH  
BANK COMMISSIONER  
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